

Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

Phone 410-641-2770 Fax 410-641-2316

www.berlinmd.gov



Mayor

Wm. Gee Williams, III

Vice President

Elroy Brittingham, Sr.

Council Members

Dean Burrell, Sr.

Lisa Hall

Paula Lynch

Troy Purnell

BERLIN, MARYLAND

MAYOR AND COUNCIL MEETING

Town Attorney

David Gaskill

TUESDAY, OCTOBER 11, 2011

Town Administrator

Anthony J. Carson, Jr.

COUNCIL CHAMBERS – BERLIN TOWN HALL

10 WILLIAM STREET

BERLIN, MD 21811

EXECUTIVE SESSION6:30 PM

REGULAR SESSION7:00 PM

Anyone having questions about the meetings mentioned above or needing special accommodations should contact Tony Carson, Town Administrator at (410) 641-4144

TTY users dial 7-1-1 in the State of Maryland

TTY users outside Maryland dial 1-800-735-2258

**BERLIN MAYOR AND COUNCIL
COUNCIL MEETING
AGENDA
Tuesday, October 11, 2011**

6:30 PM EXECUTIVE SESSION - Berlin Conference Room

7:00 PM REGULAR SESSION – Berlin Town Hall Council Chambers

1. Approval of the Minutes for:
 Regular Session of the Mayor and Council on September 26, 2011
2. Proclamation 2011-11
 Proclaiming November as Municipal Government Works Month
3. Request for Special Event – November 25, 2011
 Holiday Arts Night and Tree Lighting Ceremony – 5:30 p.m.
4. Octoberfest - Update
5. Tax Abatement Request – Derrickson Enterprises
6. Revised Ordinance 2011-08
 An ordinance amending Chapter 36, Brush, Grass and Weeds
7. Public Hearing – Ordinance 2011-09
 An ordinance amending Chapter 80, Property Maintenance
8. Update of Washington Street Utilities/Jane Kreiter
9. Halloween – Approval of Hours
10. Approval of Mayor and Council meeting schedule and Holiday Schedule for 2012
11. Departmental Reports
 - a. Finance – Lynn Musgrave
 - b. Deputy Town Administrator – Mary Bohlen
 - c. Public Works – Mike Gibbons
 - d. Water Resources – Jane Kreiter
 - e. Electric – Tim Lawrence
 - f. Police – Arnold Downing
 - g. Planning and Zoning – Chuck Ward
 - h. Human Resources – Jeff Fleetwood
 - i. Economic and Community Development – Michael Day
12. Town Administrator's Report
13. Comments from the Mayor

14. Comments from the Council
15. Comments from the Public
16. Comments from the Press
17. Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND
Regular Session Council Minutes
Monday, September 26, 2011

The meeting of the Mayor and Council for Monday, September 26, 2011 was called to order by Mayor Williams at approximately 7:00 p.m. Council members Lynch, Purnell, Hall, Burrell and Brittingham were present, as well as Town Administrator Tony Carson, Electric Utility Director Tim Lawrence, Administrative Assistant Sharon Timmons, Human Resources Director Jeff Fleetwood, Police Chief Arnold Downing, Finance Director Lynn Musgrave, Public Works Director Mike Gibbons, Deputy Town Administrator Mary Bohlen, Town Attorney David Gaskill, Planning and Zoning Director Chuck Ward, Water Resources Director Jane Kreiter, Economic and Community Development Director Michael Day.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Mayor Williams asked for a motion to approve the Regular Session Minutes of September 12, 2011. Councilmember Brittingham made a motion to approve the minutes and the council voted to approve 5-0.

Stephanie Gordy and Teresa Fields of Worcester Youth and Family gave an update on the summer program. Worcester Youth and Family served 38 children throughout the summer by providing activities such as exercise and games, field trips to various parks and businesses and arts and crafts,. They also provided 70 local children with back to school supplies at their end of the summer bar-be-que. They are currently moving forward working on after school activities to begin in October. Mayor Williams stated the he and the council were pleased with the results and that the program had exceeded their expectations.

Rota Knott, coordinator for Women Supporting Women in Worcester County came before the council to request a short term street closure for ½ hour on October 14th beginning at 6:00 p.m. for a candlelight walk beginning at the Farmer's Market and ending with a ceremony at the Atlantic Hotel for Breast Cancer Awareness. Ms. Knott also spoke of the activities in town supporting this cause which include tying pink ribbons on the lamp posts, and discounts and sales from the businesses. Council agreed to the event and street closure after Chief Downing gave his approval.

Mr. Ray Smith, a member of the Boggs Disharoon American Legion came before the council to ask for some form of recognition in regards to their membership drive to take place on November 12th from 3:00 p.m. to 6:00 p.m. Mayor Williams stated that the Town would support the Legion with some type of recognition.

Jennifer Dawicki of The Globe came before the council requesting approval and a letter of support to set up an outside bar for the New Year's Eve celebration. Ms. Dawicki stated that she would set up a fencing area, card patrons issuing wrist bands and use only plastic containers or cans. Lengthy discussion continued. Councilmember Purnell made a motion to write a letter of support allowing Ms. Dawicki outside alcohol sales next to the proposed barricade to be located at the Gay and Broad streets intersection on December 31st from the hours of 6:00 p.m. to 1:00 a.m. The motion passed in favor 3-2 with councilmembers Hall, Purnell and Brittingham in favor and councilmembers Lynch and Burrell opposed.

Mayor Williams announced that the Town was seeking volunteers to serve on the Housing Board of Review. This commission would meet on an as-needed basis and if anyone was interested, please contact Town Administrator Tony Carson.

Town Administrator Tony Carson asked for council to approve the awarding of the contract for the design, contract management, bid preparation and inspection services for the well house building project on Branch Street to the low bidder, EA Engineering for an amount not to exceed \$59,886.88. Councilmember Purnell made a motion to accept the low bid from EA Engineering and council voted unanimously to approve 5-0.

Town Administrator Tony Carson explained that the bids for the Washington Street Resurfacing project had come in higher than expected. Mr. Carson stated that the first choice for repair was to resurface, but it was not conducive for overlay. Public Works Director Mike Gibbons explained that there was a reinforcing membrane that would be applied to all of the transverse and longitudinal fissures that would add 5-7 years to the life of the road, but would also add \$20,000 to the cost. Mr. Carson explained the 3 three options that he was asking the council to consider: 1) use of approximately \$35,000 of contingency funds to complete the project in FY12; 2) Rebid the program in phases or 3) Postpone the project for FY12. Mr. Carson explained the reasons for not wanting to do the project in phases. Councilmember Hall inquired about the condition of the piping underneath the road and discussion continued. Water Resources and Public Works will video-inspect to evaluate the condition of the pipes. Councilmember Purnell made a motion to table the item until the next meeting and try to obtain a total cost for reconstruction of the street including water, sewer and stormwater. Council agreed in consensus.

Mr. Carson requested a change in the language of the preface of the Town Standards regarding exceptions and alterations. This change would allow exceptions if approved by the Town Engineer and the Town Administrator. Lengthy discussion continued. Councilmember Purnell recommended to change the language to read "by approval of the Town Engineer, appropriate staff and the Town Administrator", to remove the last sentence and insert "These standards apply to all Town of Berlin Construction Standards and Specifications for Water, Sewer and Streets as amended from time to time." Councilmember Lynch made a motion to accept the changes recommended with the revised preface and asked for it to be submitted for review and approval by council at the next meeting to be held on October 11, 2011. Council voted in favor 4-1 with Councilmember Hall opposed.

Mayor Williams announced the Public Hearing for Ordinance 2011-08, an ordinance amending Chapter 36, Brush, Grass and Weeds. Mayor Williams opened the Public Hearing and asked for comments from anyone from the State or County. There being none, Mayor Williams asked for comments from the public. Ms. Delong from West Street asked why the ordinance was changed from 10 inches to 6 inches. She stated that she felt 8 inches would be sufficient. Mayor Williams stated that he also felt 6 inches was too restrictive and agreed that 8 inches was a better suggestion. Councilmember Burrell made a motion to amend the height limit from 6 inches to 8 inches. Ron Cascio inquired about the grass in the curbs, gutters and streets. He also asked about the word destruction in Section 36-1. Councilmember Purnell made a recommendation to change the language in Section 36-1 to read "cutting of the grass and removal of the weeds". Barb Stack of Washington Street spoke about areas where weeds grow along the sidewalk and pavement or along the side of abandoned homes. Mayor Williams asked Planning and Zoning Director Chuck Ward to investigate issues as these and report back at the next meeting. Ms. Delong stated that she felt the ordinance was an infringement of property rights.

Jim Hoppa asked to clarify the title of Section 36-1 and Town Attorney Gaskill recommended revision of the title to Cutting. Mayor Williams closed the Public Hearing and asked for a motion from the council. Councilmember Lynch made a motion to incorporate the following changes: 1) grass height from 6 inches to 8 inches, the title of Section 36-1 revised to read "Cutting", and delete the last sentence of Section 36-1 and to submit at the next meeting for review and approval by council.

Revised Ordinance 2011-09, an ordinance amending Chapter 80, Property Maintenance was introduced. Town Attorney David Gaskill read the ordinance in its entirety. The Public Hearing will be held on October 11th.

Departmental reports began with Finance Director Lynn Musgrave reporting that the audit had been completed.

Deputy Town Administrator Mary Bohlen reported the Town Hall offices would be closed on Monday, October 10th thus moving the Mayor and Council meeting to Tuesday, October 11th.

Water Resources Director Jane Kreiter reported that the University of Maryland would begin holding the Stormwater Meetings in October with the first meeting to be held on October 5th for District 1.

Electric Utility Director Tim Lawrence reported on the various outages and damages incurred throughout the summer due to severe storms and hurricane Irene.

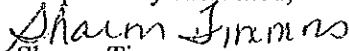
Economic and Community Development Director Michael Day reported the he would be attending a meeting this Friday for Community Legacy. He spoke of the success of the Fiddlers convention despite the weather.

Town Administrator Tony Carson requested approval of 7 purchase orders (201200756, 201200604, 2012000562, 201200851, 201200793, 201200861 and 201200893). Discussion continued on several of the purchase orders. Councilmember Burrell made a motion to approve all 7 purchase orders and council voted to approve 5-0.

Mayor Williams asked for questions from the council. Councilmember Burrell asked the Town to re-emphasize the commitment to Germantown Road.

Mayor Williams asked for comments from the public. A resident asked about the properties located across from Cheers and the Tyson property regarding grass and what is considered a nuisance. Mayor Williams asked for questions from the press. There being none, Councilmember Burrell made a motion to adjourn and the meeting ended at 10:22 p.m.

Respectfully submitted,


Sharon Timmons

Administrative Assistant



Mayor & Council of Berlin

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PROCLAMATION 2011-11

A PROCLAMATION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND PROCLAIMING NOVEMBER TO BE MUNICIPAL GOVERNMENT WORKS MONTH.

The Mayor and Council of the Town of Berlin does hereby proclaim November to be Municipal Government Works Month.

WHEREAS, the Town of Berlin was incorporated in 1868; and

WHEREAS, Maryland is home to 156 other municipalities; and

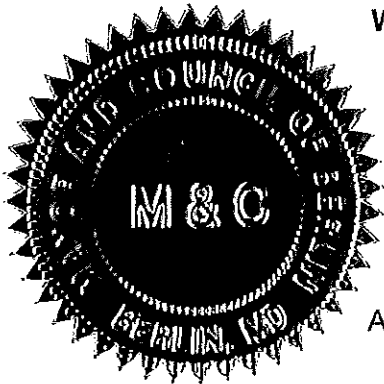
WHEREAS, municipal government represents the most responsive level of government, allowing citizens to have direct access to elected officials; and

WHEREAS, in an effort to educate citizens about municipal government and the importance of their participation, the Town of Berlin is proud to promote municipal government awareness; and

WHEREAS, municipalities have enhanced the quality of life for their respective residents maintaining natural and historic sites and structures and helping to make Maryland a great place to live, work, play and explore.

NOW, THEREFORE, BE IT PROCLAIMED that the Mayor and Council of the Town of Berlin, Maryland hereby joins the Maryland Municipal League in declaring November to be Municipal Government Works Month in the Town of Berlin.

WITNESS MY HAND AND SEAL, THIS 11TH DAY OF OCTOBER, 2010.



Wm. Gee Williams, III, Mayor

Elroy Brittingham, Sr.
Vice President

ATTEST: _____

Anthony J. Carson, Jr.
Town Administrator

ORDINANCE 2011-08

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF
BERLIN, A MARYLAND MUNICIPAL CORPORATION, AMENDING
CHAPTER 36, BRUSH, GRASS AND WEEDS,

WHEREAS, the Mayor and Council have determined that it is in the best interest of the Town to ensure customary lawn maintenance on all properties within the Town of Berlin, and

WHEREAS, the Mayor and Council find that the Town should be able to expedite the process of abating nuisances on properties upon which lawn maintenance standards are not upheld,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town of Berlin that Chapter 36 be amended as follows:

§ 36-1. ~~Cutting and Removal Required.~~

It shall be unlawful for any owner of real property located within the corporate limits of the Town of Berlin to allow any growth of grass or weeds to a height of ~~10~~ **eight (8)** inches or more. ~~Any owner of real property located within the Town of Berlin shall be responsible for the cutting, destruction or removal of the grass or weeds.~~

§ 36-2. Maintenance of sidewalks, curbs and gutters. [Amended 6-8-2009 by Ord. No. 2009-08]

All owners of real property located within the corporate limits of the Town of Berlin shall maintain their respective sidewalks, curbs and gutters bordering their property in such condition as to be clear of all growth of grass and weeds within the curbs, gutters and sidewalks. Additionally, all owners of real property located within the corporate limits of the Town of Berlin shall remove all grass clippings, weeds and brush from the sidewalks, curbs and gutters bordering their property.

§ 36-3. Notice to abate violation.

The Mayor and Council of Berlin is hereby authorized and empowered to give written notice to any owner of real property who has violated §§ 36-1 and 36-2 to correct the violation within ~~seven~~ **five (5)** calendar days from the date of such notice. The notice is effective if given by ~~certified mail first class mail return receipt requested~~, addressed to the owner at the last known address as the same appears on the Town's tax records or personally delivered to the owner. In addition, the Mayor and Council of Berlin shall post the notice on the property for ~~seven~~ **five (5)** consecutive days from the date of the notice. The notice shall include therein the amount of costs to be assessed against the property owner in the event that it is necessary for the Mayor and Council of Berlin to correct the violation and shall advise the owner of the penalties set forth in §§ 36-4, 36-5 and 36-6.

§ 36-4. Violations and Penalties.

In the event that an owner of real property fails to comply with the notice to abate violation, the owner shall be guilty of a municipal infraction and shall be fined the sum of ~~\$100.00 for the infraction~~ **\$50.00 for an initial infraction and \$100.00 for a second and subsequent infraction in any 12-month period.**

§ 36-5. Failure to comply; removal by Town.

In the event that an owner of real property fails to comply with the notice to abate violation, the Mayor and Council of Berlin shall have the power to correct the violation and assess the costs against the real property as a lien. **The Town shall have the authority to enter the property for the purpose of abating the nuisance and shall charge the property owner not less than \$100.00 per man-hour for the abatement.**

§ 36-6. Payment of costs.

The costs of such work ordered by the Mayor and Council of Berlin pursuant to § 36-5, unless paid in full within 30 days after the same is billed, shall be a lien on the property and shall draw interest after said 30 days at the rate of 1 1/2% per month or fraction of a month, and the costs, if not paid within the current fiscal year, shall be added to the next annual real property tax bill of said owner. Pursuant to the authority contained in § C5-1B(34) of the Berlin Charter and Subsection (a)(17) of § 2 of Article 23A of the Annotated Code of Maryland, any such unpaid costs shall be collectible in the same manner as municipal real estate taxes are collected, and the provisions regarding tax sales contained in the Annotated Code of Maryland shall apply to said costs and the property may be sold for such unpaid costs at a tax sale.

THIS ORDINANCE was introduced and read at a meeting of the Town Council held on the _____ day of _____, 2011, and thereafter a statement of the substance of the Ordinance having been published as required by law was finally passed by the Town Council on the _____ day of _____, 2011.

Adopted and effective this _____ day of _____, 2011 by the Mayor and Council of the Town of Berlin, Maryland, by affirmative vote of _____ to _____ opposed, with _____ abstaining.

Elroy Brittingham, Vice-President

Approved and effective this _____ day of _____, 2011 by the Mayor of the Town of Berlin.

Wm. Gee Williams III, Mayor

ATTEST: Anthony J. Carson, Jr., Town Administrator

ORDINANCE 2011-09

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MARYLAND MUNICIPAL CORPORATION, AMENDING CHAPTER 80, PROPERTY MAINTENANCE.

WHEREAS The Mayor and Council of Berlin have determined that boarded properties are undesirable in the community, and

WHEREAS The Mayor and Council have determined that boarded buildings are a cause of blight and may attract vagrants and criminal activity,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town of Berlin that Chapter 80 be amended as follows:

§ 80-3. Boarded Buildings.

A. Definition.

BOARDED BUILDING – Any structure in which any door or window opening has been covered by plywood or other material with the intention of preventing entrance and/or damage to the property.

B. Purpose.

To protect the public health, safety, general welfare and to assist in maintaining a high standard of living for the residents of the Town.

C. Applicability.

It shall be unlawful for any building to be boarded within the corporate limits of the Town of Berlin.

D. Exceptions.

1. Pursuant to a Town-issued Building Permit, a property owner may board a window or door opening for a period not to exceed 30 days for the purpose of repair or replacement.
2. Within the Historic Overlay District of the B-1 Town Center District, a commercial structure may have boarded openings on the rear and/or sides of the structure. Other than as provided for in D-1 above, it shall be unlawful to board the front of any building.

E. Violations and Enforcement.

Any property in violation of this section, as determined by the Building Official, shall cause the owner of such property to be found guilty of a municipal infraction and fined the sum of \$100.00 for any single initial violation and the sum of \$200 for each repeat or continuing violation.

THIS ORDINANCE was introduced and read at a meeting of the Town Council held on the _____ day of _____, 2011, and thereafter a statement of the substance of the Ordinance having been published as required by law was finally passed by the Town Council on the _____ day of _____, 2011.

Adopted and effective this _____ day of _____, 2011 by the Mayor and Council of the Town of Berlin, Maryland, by affirmative vote of _____ to _____ opposed, with _____ abstaining.

Elroy Brittingham, Sr., Vice-President

Approved and effective this _____ day of _____, 2011 by the Mayor of the Town of Berlin.

Wm. Gee Williams, III, Mayor

ATTEST: Anthony J. Carson, Jr., Town Administrator

TOWN ADMINISTRATOR'S REPORT

10-11-11

Purchase Orders

PO# 201200967 in the amount of \$1,213.00 to Wesco for three phase fiberglass distribution arms for electric department.

PO# 201200952 in the amount of \$3,270.00 to Mcenroe Voice & Data for annual audiolog contract for police department.

PO# 201200788 in the amount of \$2,977.89 to LB Water Service for 18 water meters.

PO# 201201009 in the amount of \$7,350.00 to D&S Paving for repairs to Bottle Branch Road.

PO# 201200763 in the amount of \$1,767.99 to Ashland Water Technologies for polymer for the press at the Wastewater Treatment Plant.

PO# 201201022 in the amount of \$9,466.00 to Shore Siding for repairs and renovations to the Multipurpose Building.

PO# 201201025 in the amount of \$1,800.00 to Star Mountain Entertainment for Octoberfest entertainment fee.

PO# 201201026 in the amount of \$8,136.83 to Donaway Furniture for façade grant for 13 South Main Street.

Updates